

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
INC., *et al.*,

Plaintiffs,

v.

CITY OF MYRTLE BEACH, *et al.*,

Defendants.

Civil Action No. 4:18-cv-00554-AMQ

JOINT MOTION TO AMEND
SCHEDULING ORDER

Judge A. Marvin Quattlebaum, Jr.

JOINT MOTION TO AMEND SCHEDULING ORDER

The parties hereby jointly move the Court to amend the current Scheduling Order (Dkt. No. 48). The parties respectfully request that the Court extend the deadlines for the completion of discovery, and all corresponding deadlines, by thirteen weeks. This is the parties' first request to amend the Scheduling Order.

The parties submit that good cause exists to modify the Scheduling Order because the schedule cannot reasonably be met despite the parties' diligence in proceeding with discovery without delay. Discovery is currently set to be completed by November 12, 2018. The parties' ability to complete discovery within the designated period has been hindered by the volume and complexity of searching for and producing Defendants' electronically stored information (ESI). In addition, Plaintiffs are also awaiting responses from a number of third-party subpoenas, several of whom have requested extensions of time to respond.

The Court issued the Scheduling Order setting forth the pretrial deadlines on May 10, 2018. Plaintiffs served Defendants with written discovery on May 11, 2018. The parties have

been in frequent contact to discuss the scope of the requests, the types of ESI that must be accessed and searched, and the most efficient means of producing that information. Defendants are in the process of collecting and reviewing data from multiple City departments and searching for and reviewing electronic documents from the City's servers. Defendants anticipate that they will be able to produce most of the responsive information by August 14, 2018 and Plaintiffs have consented to this request for extension. Plaintiffs also served five third-party subpoenas on June 14, 2018 and another seven on July 3, 2018 to entities that Defendants identified are likely to have relevant information. Plaintiffs have received documents from two of these entities, but are awaiting responses from the remainder, many of whom have requested extensions. Defendants served Plaintiffs with their first set of written discovery on June 28, 2018. Plaintiffs are in the process of collecting and reviewing documents and anticipate producing their discovery, with consent from Defendants, by August 31, 2018.

Under the current Scheduling Order discovery is set to close on November 12, 2018. The Scheduling Order also includes a July 30, 2018 deadline for amendment of pleadings and an August 24, 2018 deadline for Plaintiffs' expert witness disclosures. Although the parties are proceeding with diligence and are devoting significant resources to moving discovery forward, the current close of discovery does not provide the parties with sufficient time to complete discovery in this complex case. As indicated in Plaintiffs' Local Rule 26.03 Interrogatories (Dkt. 42), the parties have agreed to expand the number of depositions provided for in Fed. R. Civ. P. 30(a)(2), and Plaintiffs anticipate taking 20-30 depositions. Prior to being able to notice and take deposition, both parties will need to review and analyze written discovery. Given the anticipated volume of production, it will require considerable time to review and evaluate written discovery, complete depositions, submit expert reports, and engage in any additional written discovery.

Plaintiffs are also unable to fully assess whether it is necessary to amend their pleadings to join additional parties until they have had the opportunity to review and analyze the documents from Defendants and third-parties. Likewise, Plaintiffs' experts must analyze the City's data in order to complete their analysis and submit written reports. In light of the demands of discovery in this case, the parties request an additional thirteen weeks to complete discovery.

For the above-stated reasons, the parties respectfully propose that the Scheduling Order be amended to reflect the following dates:

- Deadline to Conduct Mediation: **August 6, 2018¹**
- Deadline to Amend Pleadings: **October 29, 2018**
- Plaintiffs' Expert Disclosures: **November 21, 2018**
- Defendants' Expert Disclosures: **December 21, 2018**
- Records Custodian Witnesses: **January 11, 2019**
- Close of Discovery: **February 11, 2019**
- Dispositive Motions Deadline: **February 25, 2019**
- Trial: This case is subject to being called for jury selection and/or trial on or after **May 13, 2019.**

DATED: July 17, 2018

¹ The current Scheduling Order requires the parties to complete mediation by July 31, 2018. The parties have agreed on a mediator, Tom Wills in Charleston, SC, however Mr. Wills' first available date for a full-day mediation is August 6, 2018. The parties therefore request a limited extension on their deadline to complete mediation.

/s/ James R. Battle

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***Pro Hac Vice Application to be Submitted*